

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 8, 2009

No. 08-60589

Charles R. Fulbruge III
Clerk

RU LIAN

Petitioner

v.

ERIC H HOLDER, JR, U S ATTORNEY GENERAL

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A200 038 254

Before REAVLEY, WIENER, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

After briefing was complete in this matter, the Supreme Court decided *Negusie v. Holder*, 129 S. Ct. 1159 (2009), concerning whether there is a duress defense to the so-called “persecutor bar” to asylum. That issue was remanded to the Board of Immigration Appeals for reconsideration that issue. Because The BIA’s resolution of *Negusie* on remand may have an impact on the proper resolution of this case, we GRANT the petition for review, VACATE the BIA’s

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

decision, and REMAND this matter for reconsideration in light of the BIA's eventual decision in *Negusie*.